

Chairman Vap called the regularly scheduled meeting to order at 10:03 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published June 17, 2004, on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 22, 2004, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceeding:

Thursday, June 24, 2004:

911-009/ Video Workshop. Commission Library, Lincoln; McKinley
PI-78 Education Center, 301 West F Street, Room 1, North Platte;
10:00 Avera St. Anthony's Hospital, Lower Level Conference Room,
2nd and Adams Street, O'Neill; McMillen Hall, Room 208, 1205
East 3rd Street, McCook; and Panhandle Learning Center, High
Plains Room, 4502 Avenue I, Scottsbluff. The Commission,
on its own motion, seeking to investigate the current
status of Phase I enhanced wireless 911 service and
alternatives for handling wireless 911 calls for areas
currently without enhanced 911 service.

COMMUNICATIONS DEPARTMENT

AD-304 In the Matter of Platinum Recovery Solutions Inc., Omaha,
seeking to connect an automatic dialing-announcing device:
Motion made by Commissioner Lowell Johnson, seconded by Commissioner
Rod Johnson to enter an order granting the application. Motion passed
with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank
Landis, Jerry Vap voting AYE.

C-2910 In the Matter of Lincoln Electric System, Lincoln, seeking
Contract Carrier Permit Authority: Motion made by Commis-
sioner Frank Landis, seconded by Commissioner Anne Boyle to enter an
order withdrawing the application at the request of Lincoln Electric
System. Motion passed with Commissioners Anne Boyle, Lowell Johnson,
Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3025 In the Matter of the Commission, on its own motion, seeking
C-3026 to conduct a 90-day proceeding as contemplated by the
Federal Communications Commission in its Triennial Review
order adopting new rules for network unbundling obligations: Gene
Hand discussed developments in these docket.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3049 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into possible solutions for extending the life of area codes 308 and 402: Gene Hand informed the Commission that a Hearing Officer's order will be entered scheduling the workshop for July 15, 2004, at 9:30 a.m. in the Commission Hearing Room, Lincoln. A telephone bridge was established at 402-472-6295 for anyone wishing to participate telephonically.

C-3095 In the Matter of Qwest Corporation, Denver, Colorado, seeking arbitration to resolve issues relating to interconnection rates, terms, conditions and related arrangements with AT&T Communications of the Midwest, Inc., Denver and TCG Omaha, Denver, Colorado: Gene Hand informed the Commissioners that the interconnection agreement had been filed pursuant to the Arbitrator's decision. Comments on the interconnection agreement will be due on June 28, 2004, by 5:00 p.m. A hearing was scheduled for July 7, 2004, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Frank Landis will preside as Hearing Officer.

C-3188 In the Matter of Mutual of Omaha Insurance Company, Omaha, seeking to withdraw its authority to operate as a resale carrier of telecommunications services within the state of Nebraska, previously granted in Docket C-2055: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3192 In the Matter of Winstar Communications, LLC, Newark, New Jersey, seeking to discontinue certain services in Nebraska: Motion made by Commissioner Rod Johnson, seconded by Commissioner Anne Boyle to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3209 In the Matter of Teligent, Inc. and Teligent Services, Inc., Herndon, Virginia, and Aspen Partners-Series A, a series of Aspen Capital Partners, L.P., New York, New York, seeking approval of a transfer of control: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3213 In the Matter of the Commission, on its own motion, seeking
DC-67 an order to cease and desist operations and to revoke the
 Certificates of Public Convenience and Necessity issued to
the named defendants: Motion made by Commissioner Lowell Johnson,
seconded by Commissioner Rod Johnson to enter an order dismissing
certain parties. Motion passed with Commissioners Anne Boyle, Lowell
Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3221 In the Matter of the Commission, on its own motion, seeking
PI-81 comment on the request by United Way of the Midlands to be
 assigned the use of "211" in Dawson, Phelps, Kearney,
Harlan, Franklin, Buffalo and Gosper Counties for access to First Call
for Help (FCFH), a comprehensive information and referral service:
Motion made by Commissioner Rod Johnson, seconded by Commissioner
Frank Landis to enter an order opening the docket and setting a video
hearing for August 18, 2004, at 10:30 a.m. in the Commission Library,
Lincoln, and Kearney Public Library, 2020 1st Avenue, Kearney. Motion
passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson,
Frank Landis, Jerry Vap voting AYE. Commissioner Vap will preside as
Hearing Officer.

C-3228 In the Matter of Time Warner Cable Information Services
 (Nebraska), LLC, d/b/a Time Warner Cable, Stamford, Connec-
ticut, seeking a certificate of authority to provide local and inter-
exchange voice services within the State of Nebraska: Gene Hand in-
formed the Commission that an application had been received. A copy
of the application and all associated exhibits is available on the
Commission's web site. Shana Knutson reported on a summary of the
application she had prepared and the Commissioners discussed the
issue.

C-3229 In the Matter of the Commission, on its own motion, seeking
PI-82 comment on the Section 272 Biennial Report for Qwest Com-
 munications International, Inc.: Motion made by Commis-
sioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an
order opening the docket and seeking comment. Motion passed with
Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis,
Jerry Vap voting AYE. Steve Stovall reported on the audit. The
Commissioners discussed the issue.

C-3189 In the Matter of Qwest Corporation, Denver, Colorado, seek-
 ing approval of its Special Promotion Amendment for Avail-
able Inventory Collocation sites with Cox Nebraska Telco, LLC, pre-
viously granted in Docket C-1473: Motion made by Commissioner Anne
Boyle, seconded by Commissioner Lowell Johnson to enter an order
granting the application. Motion passed with Commissioners Anne
Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting
AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3191 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Qwest DSL (with discount) provided with UNE-P Amendment with Sprint Communications Company, L.P., previously granted in Docket C-3089: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3203 In the Matter of Qwest Corporation, Denver, Colorado, seeking approval of its Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunications Services, with ACN Communications Services, Inc., Farmington Hills, Michigan: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

C-3208 In the Matter of United Telephone Company of the West, d/b/a Sprint, Overland Park, Kansas, seeking approval of its Master Interconnection, Collation and Resale Agreement with ACN Communications Services, Inc., Farmington Hills, Michigan: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

E-2045 In the Matter of Norris Public Power District, Beatrice, seeking to construct, operate and maintain electric transmission lines in Gage and Lancaster Counties: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

Gene Hand informed the Commission that the Federal Communications Commission has extended the date for Reply Comments for both the generic IP-Enabled Services proceeding and the separate SBC forbearance proceeding on IP-Enabled Services. Reply Comments in both proceedings are now due on July 14, 2004.

Gene Hand informed the Commission that a notice had been received by Hamilton Telephone Company to raise rates effective July 30, 2004. The petitions from subscribers were due by June 18, 2004. The Commission did not receive petitions from five percent or more of the subscribers; therefore, the company will be notified to implement the rate increase as proposed.

UNIVERSAL SERVICE FUND

Jeff Pursley reported on Late-Filed Carrier Remittances: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle that a late fee be levied against Allo Communications, Clear World Communications, Netifice Communications and Western Wireless/WWC License LLC. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

Jeff Pursley reported on a letter received from the Nebraska Appleseed Center regarding the Nebraska Telephone Assistance Program (NTAP).

NUSF-26 In the Matter of the Commission, on its own motion, seeking to establish a long-term universal service funding mechanism: Jeff Pursley discussed the pending order proposing a methodology for high cost reimbursement that is scheduled to be entered next week.

NUSF-32 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Orders and, at its own discretion, impose administrative fines against the named defendants: Jeff Pursley informed the Commission that the remittance audit for Lightyear Communications was received on June 16, 2004.

E911 DEPARTMENT

PSAP-033 In the Matter of Gage County/Beatrice Police Department, Beatrice, seeking funding approval for recurring and non-recurring costs of wireless E911 implementation: Motion made by Commissioner Frank Landis, seconded by Commissioner Rod Johnson to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

WSP-009.1 In the Matter of Wireless II L.L.C., Nebraska Wireless, d/b/a Viaero Wireless Telephone Company, Grand Island, seeking additional funding approval for recurring and non-recurring costs for Enhanced Wireless 911 service: Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

Kara Thielen reported on the current status of Phase I implementation and the revised Request for Proposal for Contractual Services timeline. The Commission discussed the issue.

WIRELESS E911 DEPARTMENT (Cont.)

Kara Thielen reported on the current requests for funding from PSAP's. There are two new requests for funding that fall into Phase II costs. The requests will be reviewed by the E911 Advisory Board.

Kara Thielen reported on two news articles regarding wireless E911 implementation and the use of cell phones.

Kara Thielen reported on her trip to Salt Lake City, Utah to attend the 2004 911 Critical Issues Forum where she served on a panel discussion with two peers from Arizona and North Dakota.

NATURAL GAS DEPARTMENT

NG-0010 In the Matter of Kinder Morgan, Lakewood, Colorado, seeking authority to implement a gas supply cost adjustment applicable to Nebraska rate schedules: Motion made by Commissioner Rod Johnson, seconded by Commissioner Frank Landis to enter an order closing the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

NG-0020/ In the Matter of the Commission, on its own motion, seeking
PI-80 to conduct a review related to a settlement agreement among the State of Nebraska, acting by and through the Governor's Policy Research Office; the Nebraska Public Service Commission; and Kinder Morgan, Inc., a Kansas corporation: Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to ratify the Executive Director's endorsement of the Mutual Release and to approve an assessment order for NPSC-001. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

NG-0023 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado, seeking a waiver of notice and publication and to implement supply cost adjustment rate schedules applicable to Nebraska Rate Schedules CGS (Choice Gas Service), ACGS-NSS (Agricultural Choice Gas Service Non-Seasonal Service), and ACGS-SS (Agricultural Choice Gas Service Seasonal Service): Motion made by Commissioner Frank Landis, seconded by Commissioner Lowell Johnson to approve an assessment order for HSD-001. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

NG-0024 In the Matter of the Commission, on its own motion, seeking to participate as an intervenor in the Federal Energy Regulatory Commission consolidated rate case filed by Northern Natural Gas (RP98-203 and RP04-155): Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT (Cont.)

FC-1319 In the Matter of Kinder Morgan, Inc., Lakewood Colorado, vs. City of Hastings, Hastings, alleging installation of duplicative and redundant natural gas piping and services in the City of Hastings and its environs: Laura Demman discussed the formal complaint filed June 14, 2004, and informed the Commission that the Certificate of Service was mailed June 15, 2004, and an answer is due July 6, 2004.

NG-0019 In the Matter of the Petition for Declaratory Ruling of Metropolitan Utilities District (M.U.D.), Omaha, seeking a determination that Neb. Rev. Stat. §§ 57-1302 through 57-1307 and Neb. Rev. Stat. § 66-1849 and Neb. Admin. Code, Title 291, Chapter 9, Sections 003.01 through 003.11 and Section 009.01 do not apply to a natural gas supply and transportation arrangement between M.U.D. and Nebraska Public Power District (N.P.P.D.): Laura Demman informed the Commission that a copy was received June 18, 2004, of the Summons and Petition for Review served upon the Attorney General by M.U.D. with the District Court.

LEGISLATIVE REPORT

Angela Melton provided a report on the progress of the interim study on wireless regulation.

GRAIN WAREHOUSE DEPARTMENT

The following shortages were discussed:

GW-578 Corn at Farmers Cooperative Grain and Supply Company, Trenton.

GW-1033 Corn at Fordyce Farmers Non-Stock Cooperative, Fordyce.

GW-2007 Corn at Vering's Feed Service, Inc., Howells.

GW-2021 White corn at Cooperative Producers, Inc., Hastings.

GW-1640 In the Matter of Bentzinger Grain and Equip. Co., Martell, seeking cancellation of its Public Grain Warehouse License: Application was granted effective June 14, 2004.

Commissioner Boyle exited the Commission Hearing Room.

GW-2119 In the Matter of M.G. Waldbaum Company dba Wayne Grain & Feed, Wakefield (Michael Foods): John Fecht discussed the letter he received regarding their response to the Commission's request for information and plan of action.

GRAIN WAREHOUSE DEPARTMENT (Cont.)

Grain Dealer Division

Motion made by Commissioner Rod Johnson, seconded by Commissioner Lowell Johnson, to grant the following applicants a Grain Dealer License, subject to the fulfillment of all statutory requirements, for the period ending June 30, 2005. Motion passed with Commissioners Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE and Commissioner Anne Boyle Excused, Not Voting.

		<u>SECURITY</u>
GD-2880	Lansing Grain Company, LLC, Okemos, MI	\$300,000
GD-2884	Double T Trading, L.L.C., Roff, OK	35,000

Commissioner Boyle returned to the Commission Hearing Room.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Rod Johnson to destroy all unused 2003-2004 Grain Dealer Plates from license periods ending December 31, 2003, June 30, 2004, and December 31, 2004. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

MOTOR TRANSPORTATION DEPARTMENT

Commissioner Landis exited and returned to the Commission Hearing Room.

B-1646 In the Matter of Thuc Van Ngo, dba South Sioux Taxi, South Sioux City, seeking authority as a common carrier of passengers and their baggage by taxicab between points in Dakota County, over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to grant the application. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

B-1649 In the Matter of AmeriStar Tours, LLC, Scottsbluff, seeking to acquire the authority of Donald D. Reichert, dba Good Tyne Charter, in Certificate B-1308: Motion made by Commissioner Anne Boyle, seconded by Commissioner Lowell Johnson, to grant temporary authority. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

MOTOR TRANSPORTATION DEPARTMENT (Cont.)

M-14110 In the Matter of Mike's Moving, Omaha: Mark Breiner informed the Commission that the appeal of Mike's Moving, Omaha, was filed with the District Court of Douglas County. As of June 10, a 30 day deadline was given by the District Court of Douglas County to either hold a hearing on the appeal or have it dismissed.

Rate Division

BR-296 In the Matter of OMALINK, Lincoln, seeking a fuel surcharge on an emergency basis: Motion made by Commissioner Frank Landis, seconded by Commissioner Anne Boyle, to grant the application as amended on an emergency basis. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge was retained at 22 cents per mile and the taxi surcharge was lowered to 40 cents per trip.

GENERAL ADMINISTRATION

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Anne Boyle, to authorize payment of the following invoices: Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis, Jerry Vap voting AYE.

The following payment made between June 8-22, 2004, was ratified:

Fred Massing	\$ 526.83
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The following current invoices were approved:

Ted Burkey	\$ 3,000.00
Department of Corrections	1,012.88
Department of Administrative Services - Materiel	1,045.96
Health and Human Services - HS Finance & Support	607.70
University of Nebraska-BBR	12,644.50
Kelly Services	532.00
Kelly Services	1,484.35
Kelly Services	507.50
Michigan State University	995.00
US Post Office	824.00
Rod Johnson	1,112.02
Frank Landis	46.50

GENERAL ADMINISTRATION (Cont.)

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	\$ 1,814.65
Associated Hearing Health	276.75
Bosler Hearing Aid Center	176.00
Harris Communications	881.90
Hearing Aid Specialists	799.00
Carl A Johnson	1,714.00
K-D Communications	474.30
McCook Pharmacy & Medical Supply	3,640.83
Professional Hearing Aid Services	854.95
R & J Enterprises	848.00
Sherard Hearing Aid Center	1,277.49
Teltex	457.55
Hearing Clinic Inc.	205.00

Upon agreement of all Commissioners, the Commission meeting previously scheduled for August 17, 2004, was cancelled.

The Commission discussed the Commission's deliberations and order preparation practices.

The Commission discussed revising the Commission's filing fees.

Motion made by Commission Lowell Johnson, seconded by Commissioner Anne Boyle to go into closed session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson and Jerry Vap voting AYE. Commissioner Frank Landis Excused Not Voting.

Motion made by Commissioner Lowell Johnson, seconded by Commissioner Frank Landis, to return to open session. Motion passed with Commissioners Anne Boyle, Lowell Johnson, Rod Johnson, Frank Landis and Jerry Vap voting AYE.

The Commission discussed personnel matters.

The meeting adjourned at 11:44 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on June 29, 2004, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on June 28, 2004.

Chairman

Executive Director